

ORDINANCE NO. 465

**AN ORDINANCE OF THE BOARD OF CITY COMMISSIONERS FOR THE CITY OF MANGUM, OKLAHOMA, AMENDING TITLE 6, CHAPTER 2, SECTION 6-2-2 UPDATING THE DEFINITIONS SECTION OF CHAPTER 2 BY PROVIDING SUBSECTIONS FOR EACH DEFINITION; UPDATING THE DEFINITION OF WILD ANIMAL; ADDING A DEFINITION FOR COMMERCIALY AVAILABLE ANIMAL AMENDING TITLE 6, CHAPTER 2A, SECTION 6-2A-3 EXPANDING WHO MAY QUALIFY FOR A LICENSE TO OWN WILD ANIMALS; ADDING A NEW SECTION TO TITLE 6, CHAPTER 2A, SECTION 6-2A-7 ADDED LINCENSING REQUIREMENTS FOR COMMERCIALY AVAILABLE REQUIREMENTS AND EXEMPTIONS TO SUCH SECTION; AMENDING TITLE 6, CHAPTER 2, SECTION 6-2-8(H) CLARIFYING WHEN WILD ANIMALS ARE PERMITTED; AMENDING TITLE 6, CHAPTER 2, SECTION 6-2-8(J) TO REFERENCE LICENSE REQUIREMENTS UNDER 6-2A-7 AS ADDITIONAL REQUIREMENT FOR OWNING OTHER ANIMALS; PROVIDING SEVERABILITY; AMENDING ALL ORDINANCES, POLICIES, OR RESOLUTIONS AT VARIANCE; AND DECLARING AN EMERGENCY.**

NOW THEREFORE, be it ordained by the Mayor and the Board of Commissioners of the City of Mangum, Oklahoma, the following:

**Section 1.** Section 6-2-2 is amended to read as follows:

**Sec. 6-2-2. - Definitions.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- (a) *Animal* means all vertebrate and invertebrate animals, whether domesticated or wild, including, but not limited to, bees, birds, fowl, parakeets, cattle, cats, chickens, dogs, ducks, geese, goats, horses, livestock of all types, mammals, including elephants and rabbits, all reptiles, rodents, sheep, swine and turkeys.
- (b) *Animal control officer* means the person(s) responsible for enforcement of the ordinances and regulations pertaining to animal control in the City.
- (c) *Animal shelter or municipal pound* means any premises formally designated by the Board of Commissioners for the purpose of impounding and caring for animals held under the authority of this chapter, regardless of whether or not the premises is within the City's

corporate boundaries, and regardless of whether or not the premises is under actual City ownership or provided for under a contractual arrangement between the City and a private owner(s).

- (d) *At large* means not under restraint.
- (e) *Commercially available animal* means any animal that is commercially available for any amount of consideration through any individual, entity, association, trust, or corporation who possesses a valid commercial breeders license or noncommercial breeder's license as those terms are defined by Title 4 O.S. § 30.2, or any animal purchased from a store whose primary purpose is to sale pets or pet supplies to the general public.
- (f) *Dangerous birds* means any warm-blooded, feathered vertebrate which may constitute a physical threat to human beings.
- (g) *Dangerous dog* means any dog that has inflicted severe injury on a human being without provocation on public or private property; has been previously found to be potentially dangerous, the owner having received notice of such by the animal control authority in writing and the dog thereafter aggressively bites, attacks, or endangers the safety of humans; or has been previously found to be potentially dangerous, the owner having received notice of such by the animal control authority in writing and the dog thereafter attacks a dog which results in the death of said dog either on public or private property.
- (h) *Harboring* means allowing any animal habitually to remain or be fed on the premises.
- (i) *Kennel* means any structure or place where three or more dogs over six months of age are kept, bred or trained at any single time, or any facility designed or built to accommodate the temporary boarding of more than three dogs over six months of age.
- (j) *Livestock* means any cattle, calves, sheep, swine, horses, mules, goats or other animals, other than fowl, which can or may be used in and for the preparation of meat or meat products for consumption by human beings or animals.
- (k) *Owner* means any person, firm or corporation owning, harboring or keeping an animal. Occupants of any premises to which a domesticated or tamed animal customarily returns for a period of ten days or more shall be deemed to be harboring or keeping the animal, and thereby considered to be an owner of the animal.
- (l) *Pet* means any animal kept for pleasure rather than utility.
- (m) *Potentially dangerous dog* means any dog that, when unprovoked, inflicts bites on a human either on public or private property, or when unprovoked, attacks a dog which results in the death of said dog either on public or private property.

- (n) *Restraint* means confining an animal on the premises of its owner, if on a leash and accompanied by a responsible person, or in the case of a hunting dog, if accompanied by its owner engaged in the act of hunting.
- (o) *Vicious dog or animal* means any dog or animal which has bitten or attempted to bite any person without provocation, or which attacks, barks or growls at and acts as if it intended to attack or bite any person or persons when not provoked. The owner or owners of dogs or animals shall be liable for the full amount when the animal bites or injures any person while the person is in or on a place where he or she has a lawful right to be.
- (p) *Wild animal* means any animal considered wildlife; any animal not normally adapted to live in intimate association with humans or raised for human consumption; any animal under the jurisdiction of the Oklahoma Department of Wildlife; or any animal that exists in a state of nature and not commercially available to purchase from any pet supplier.

**Section 2.** Section 6-2A-3 is amended to read as follows:

**Sec. 6-2A-3. - Wild animals.**

- (a) *License Required.* All wild animals owned by an individual, circus, traveling animal show, commercial breeder, or noncommercial breeder are not permitted within the corporate limits of the City unless the owner or person in charge of the wild animals have first obtained a license for the animals with the City Clerk.
- (b) *Conditions of license issuance.* The license shall be issued by the City Clerk only after the applicant has provided a written, signed statement outlining the safeguards he has provided to protect the public health, safety and welfare and proof that he possesses an insurance policy in sufficient sums that safeguard the general public in the event of accident, dismemberment, of death caused by the animal.
- (c) *License fee.* To cover issuance and enforcement costs, the applicant shall pay a fee of \$20.00 to the City Clerk. The written receipt may constitute the license.
- (d) *Term of license.* The license so issued shall be valid for a period of one year.

**Section 3.** A new section 6-2A-6 is added to read as follows:

**Sec. 6-2A-7. - Commercially Available Animals**

- (a) *License required.* All commercially available animals owned by any person within the City is must first obtain a license for the animals from the City Clerk unless exempt in accordance with this section.

- (b) *Conditions of license issuance.* The license shall be issued by the City Clerk upon submission of a written, signed statement by the applicant that he has provided ample safeguards to protect the public health, safety and welfare and proof that he possesses an insurance policy in sufficient sums that safeguard the general public in the event of accident, dismemberment, of death caused by the animal.
- (c) *License fee.* To cover issuance and enforcement costs, the applicant shall pay a fee of \$20.00 to the City Clerk. The written receipt may constitute the license.
- (d) *Term of license.* The license so issued shall be valid for a term of one month.
- (e) *Exemption.* No licenses is required in the event that the commercially available animal is:
- (1) The animal is nonvenomous or not poisonous to humans;
  - (2) A constricting snake less than 72 inches in length;
  - (3) A fish or other aquatic species;
  - (4) The animal can humanely live in an enclosure less than 60 inches long;
  - (5) Hermit crabs;
  - (6) Anoles, bearded dragons, skinks, geckos, chameleons, or other similar lizards;
  - (7) Any turtle or tortoise whose adult size is on average 10 inches in length;
  - (8) Any mammalian species whose adult size is on average 10 pounds or less in total weight;
  - (9) The animal is not otherwise regulated by the Oklahoma Department of Wildlife, the Federal Fish and Wildlife Services, or any other State Wildlife Management department; or
  - (10) Is a non-invasive species to region as a whole or will likely not be able to live in a wild state if it were to escape its enclosure;

**Section 4.** Section 6-2-8(h) is amended to read as follows:

(h) *Wild Animals.* The keeping and raising of wild animals shall be prohibited in the City except under the provisions of the license requirements set forth in Section 6-2A-3.

**Section 5.** Section 6-2-8(j) is amended to read as follows:

(j) *Other animals.* Keeping other animals not specifically mentioned or regulated within this chapter as pets shall be subject to licensing requirements set forth in Section 6-2A-7 and to generally applicable provisions requiring the maintenance of sanitary conditions and the avoidance of a nuisance.

**Section 6. Severance**

If any court with proper jurisdiction or any act by any legislature makes any provision of this ordinance invalid, the remainder of such ordinance will remain in full force and effect.

**Section 7. Repealer**

That all ordinances or parts of ordinances in conflict with this ordinance are repealed and amended to reflect the changes provided by this ordinances.

**Section 8. Emergency Clause**

It being immediately necessary for the preservation of public peace, health, and safety of the City of Mangum, Oklahoma, and its inhabitants, an emergency is declared to exist. By reason of the emergency, it is necessary that this ordinance goes into effect and be in force immediately upon its passage and publication.

**Section 9. Publication**

The City Clerk is authorized and directed to publish this ordinance in accordance with 11 O.S. § 14-106 & 14-107 in the Mangum Star-News within 15 days of its adoption and cause proof of such publication to be attached to this ordinance.

ADOPTED and EMERGENCY DECLARED by three-fourths of all members of the Board of Commissioners this \_\_\_ day of \_\_\_\_\_, 2023.

ADPOTED without emergency declared by three-fourths of all members of the Board of Commissioners this \_\_\_\_ day of \_\_\_\_\_, 2023. If no emergency declared, this ordinance will be effective 30 days after the passage of this Ordinance.

\_\_\_\_\_  
Jackie Menasco, Mayor

Attest:

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Erma Mora, City Clerk